

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED REGULATIONS – MOVEMENT OF SWINE

The Department of Food and Agriculture, Animal Health Branch, is proposing the following changes to Title 3 of the California Code of Regulations, to read as follows:

1) Amend the heading of Article 8, Chapter 2, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 8. Swine Disease Programs

2) Repeal sections 795.10, 795.13, 795.14, 795.16, 795.17, 795.19, 795.30, 795.32, 795.33, and 795.50 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

~~Section 795.10. Use of Live Hog Cholera Virus Limited.~~

~~The use of virulent live hog cholera virus or modified live virus hog cholera vaccine is prohibited except for research purposes by the University of California, or the United States Department of Agriculture, or for particular purposes in specific cases under conditions mutually agreed upon among the United States Department of Agriculture and the California Department of Food and Agriculture.~~

~~NOTE: Authority cited: Sections 407 and 10781, Food and Agricultural Code. Reference: Sections 10721, 10722, 10723, 10753 and 10781, Food and Agricultural Code.~~

~~Section 795.13. Holding of Hog Cholera Infected or Exposed Swine on Premises.~~

~~No swine known to be infected with, or known or suspected of being exposed to hog cholera shall be moved for any purposes into, through or from premises where swine are kept, for a period of at least 30 days following the date of the appearance of the last case of hog cholera except on permit issued by the Department. Premises where hog cholera has been diagnosed and all vehicles or equipment used in the transporting, confinement or treatment of swine on the premises shall be cleaned and disinfected in a manner approved by the Department. The cleaning and disinfection shall be under the supervision of a County, State or Federal inspector.~~

~~NOTE: Authority cited: Sections 16 and 215.18, Food and Agricultural Code. New authority: Sections 407 and 10781, Food and Agricultural Code.~~

~~Section 795.14. Transportation of Swine Restricted (Intrastate).~~

~~No person shall transport any swine that are affected with hog cholera or liable to be affected with hog cholera as evidenced by a body temperature of 104.1°F. or higher or any other symptom of hog cholera, or that have been exposed to hog cholera within 30 days of the transportation.~~

~~NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 10781, Food and Agricultural Code.~~

~~Section 795.16. Cleaning and Disinfecting of Public Stockyards Which Contained Diseased Swine.~~

~~Swine holding pens and alleys in livestock markets, or livestock saleyards shall be cleaned and disinfected in a manner approved by the Department as soon as possible following removal of swine affected with or exposed to an infectious disease and before the holding pens and alleys are again used for swine.~~

~~NOTE: Authority cited: Sections 16 and 215.18, Food and Agricultural Code. (New authority: Sections 407 and 10781, Food and Agricultural Code.)~~

~~Section 795.17. Quarantine and Destruction of Swine Infected with or Exposed to Hog Cholera.~~

~~(a) Notice is hereby given that hog cholera, a contagious disease of swine caused by a virus, is considered to be detrimental to the welfare of the animal industry in California.~~

~~(b) In accordance with Sections 9531, 9561, 9562, 9563, 9564, 9568, and 9569 of the California Food and Agricultural Code, it may be necessary to establish quarantines of districts, areas or premises which contain swine infected with, exposed to or liable to have been exposed to hog cholera, and destroy such swine.~~

~~(c) When a quarantine area has been established the following shall apply:~~

~~(1) Confined on Premises. All swine within the quarantine area shall be closely confined upon the premises in such a manner as may be required by the Department.~~

~~(2) Enforcement. Inspectors and other officers may be used in the quarantine area to assist in accomplishing the purpose of the quarantine.~~

~~(3) Movement. No swine, carcass, part or offal of swine shall be moved from a quarantine area except on permit issued by a County, State, or Federal inspector. Movement shall be only for immediate slaughter under Federal, State, or State approved municipal meat inspection provided all carcasses, part or offal of swine are subjected to heat treatment to an internal temperature of at least 147°F. for 30 minutes or to an internal temperature of 156°F. momentarily, or to a reduction plant for sterilization under supervision of a County, State, or Federal inspector.~~

~~(4) Destruction. The Director may require any swine in a quarantine area, infected with, exposed to, or liable to have been exposed to hog cholera to be destroyed and the carcasses disposed of under the supervision of a State or Federal inspector.~~

~~(5) Cleaning and Disinfection. When swine are destroyed in a quarantine area as provided by this Section, the Director may require any premises within the quarantine area to be cleaned and disinfected and tested under the direction of a State or Federal inspector before such premises are released from quarantine.~~

~~Section 795.19. Hog Cholera-Interstate Movement.~~

~~(a) All swine entering the State must be accompanied by a permit issued by the California Department of Food and Agriculture, Division of Animal Industry. The Director finds that hog cholera has not yet been eradicated from the United States. The disease is occurring in many states and may occur in any state. Progress in the national hog cholera program has reached the stage where vaccines for the production of active resistance against hog cholera are no longer available.~~

~~Therefore, to protect California swine from the possibility of exposure to hog cholera, the conditions for entry will be dependent upon the recent occurrence, extent, and effectiveness of control of hog cholera in the area of origin. Swine originating in states qualified as Hog Cholera Free in the national hog cholera eradication program are exempt from this regulation. Slaughter swine consigned directly to a slaughtering establishment having Federal, State, or State approved municipal meat inspection are exempt from this regulation.~~

~~(b) Said permits may be refused or conditioned based upon reports of hog cholera in other states by the United States Department of Agriculture and officials of other states.~~

~~(c) The provisions of this section are in addition to other requirements pertaining to the shipment of swine into the State of California.~~

~~NOTE: Authority cited: Sections 407, 9570, 9572, Food and Agricultural Code. Reference: Section 10722, Food and Agricultural Code.~~

~~Section 795.30. Swine Brucellosis--Intrastate Movement.~~

~~(a) On or after July 1, 1962, no person shall move or cause to be moved, from one place to another, or receive or cause to be received any swine for breeding purposes unless accompanied by an official certificate or test record showing such swine in the herd of origin were not under quarantine and have been blood tested for brucellosis and found to be negative within 30 days prior to movement. The blood test sample shall be collected by an accredited or regulatory veterinarian and the test shall be conducted in a laboratory of the Federal or State Departments of Agriculture, University of California, an approved County Veterinarian's laboratory, or by such persons as may be authorized to conduct the brucellosis card test. The certificate or test record shall identify such swine as to age, sex, breed, identifying tag number, or such other method of identification approved by the Department. The following swine are exempt from this regulation:~~

- ~~(1) Swine under four (4) months of age;~~
- ~~(2) Gilts weighing 160 pounds or under for feeding purposes and all barrows;~~
- ~~(3) Swine for direct consignment to an establishment having Federal, State or State approved municipal meat inspection, or to any licensed livestock saleyard for immediate slaughter;~~
- ~~(4) Swine originating in a currently validated brucellosis-free herd recognized by the Department or from a herd in a validated brucellosis-free area. The owner's test certificate or affidavit identifying such swine may be used for movement;~~
- ~~(5) Swine moved within or to premises under the control of the owner of said swine;~~
- ~~(6) Swine for feeding and grazing purposes, accompanied by a permit issued by the Bureau of Animal Health, California Department of Agriculture, and held on the premises of destination segregated from all other swine by hold order in accordance with provisions of Section 9365 of the California Agricultural Code.~~

~~(b) Notwithstanding anything herein contained to the contrary, in a case of demonstrated hardship, or of an emergency beyond the control of the owner of said swine,~~

~~the Director, may, within his discretion, issue a conditional permit allowing the movement of swine from one location to another.~~

~~(c) On or after January 1, 1973, all swine moving within the State shall have originated in non-infected herds in validated brucellosis free areas.~~

~~NOTE: New authority cited: Sections 407 and 10781, Agricultural Code. Reference: Sec.10781, Agricultural Code.~~

~~Section 795.32. Swine Brucellosis: Interstate Movement.~~

~~(a) The Director finds, after consultation with the Director of Public Health, that swine brucellosis is a serious disease of swine, transmissible from infected swine to other swine and to human beings; that such infection is a hazard to the health of persons coming in contact with such animals or their carcasses; that the disease is a hazard to the swine industry of this State; that swine brucellosis is controlled in California and so recognized by statewide validation by the United States Department of Agriculture; that the disease is not controlled in some major swine producing states; and that the requirements of this section are necessary for protection of the public health and the swine industry of this State.~~

~~(b) Swine brought into California for breeding purposes shall be accompanied by an official health certificate stating that upon veterinary examination the animal was healthy and originated in a validated brucellosis-free herd so recognized by the State veterinarian or comparable animal health official in the State of origin or herd not under quarantine for brucellosis in a validated brucellosis-free area.~~

~~(c) Swine entering California for slaughter or further feeding may enter only from those states in which the disease is being controlled by active enforcement of laws and regulations which would prevent animals known to be infected or exposed to the disease from entering California. The Director will consult on a periodic basis with officials of other states concerning the measures being taken to implement control measures and may at his discretion restrict entry of swine from those states where the disease is not being actively controlled.~~

~~(d) On and after July 1, 1973, all slaughter or feeder swine brought into California shall originate in a state or area which is validated brucellosis-free or which is actively engaged under statute in a swine brucellosis eradication program leading to establishing the state or areas as validated brucellosis-free.~~

~~Section 795.33. Swine Brucellosis--Movement for Exhibition Purposes and Purebred Sales.~~

~~No person shall move or cause to be moved, from one place to another, or receive or cause to be received any breeding swine for exhibition purposes or purebred sales unless such swine:~~

~~(a) Originate in a currently validated brucellosis-free herd or area so recognized by the Department; or~~

~~(b) Are accompanied by an official certificate or test chart identifying such swine as to age, sex, breed, identifying tag number, or such other method of identification approved by the Department showing that all breeding swine four (4) months of age and over in the herd of origin were negative to a blood test for brucellosis not more than 30 days prior to the movement. The blood samples shall be collected by an accredited veterinarian or Federal, State, or County representative and the test shall be conducted in a laboratory of the Federal or State Departments of Agriculture, University of California, an approved County Veterinarian laboratory, or by a person authorized to conduct the brucellosis card test. For the purposes of this regulation, any group of swine kept isolated from a parent herd and known as a 4-H, Future Farmer, or school project, shall be considered a separate and distinct herd.~~

~~NOTE: Authority cited: Sections 16, 215.18 and 261, Agricultural Code. New authority cited: Sections 407 and 10781, Agricultural Code.~~

~~Section 795.50. Prevention of Pseudorabies: Importation and Movement of Swine in California.~~

~~(a) Purpose of Regulation. This section imposes restrictions on importing swine into California, and imposes restrictions on swine that have been transported into California. These measures are necessary to prevent the introduction or spread of pseudorabies, a severe infectious disease of swine. This section affects importers, receivers of swine, and operators of designated swine feedyards to accomplish these purposes.~~

~~(b) Import Permit Requirements. All persons shipping, bringing, or otherwise importing swine into California must obtain for each shipment a separate permit from the Department. Each permit must be obtained in advance of the swine entering the state. The permit may be obtained from the Animal Health Branch, California Department of~~

~~Food and Agriculture, 1220 N Street, P.O. Box 942871, Sacramento, California 94271-0001, Telephone (916) 445-4191. Requests for a permit may be made by telephone; however, a written application may be required when the information given does not provide satisfactory assurance of compliance with the requirements for importation. Persons requesting a permit shall furnish: the name and address of the seller, shipper, and the receiver; the number; class; exact point of origin of the swine for which the permit is requested; and the terminal point of delivery in California.~~

~~A regular import permit will not be granted for swine vaccinated for pseudorabies. However, the Director may grant a special import permit with specific limitations necessary to prevent the spread of pseudorabies from such swine. A special permit application must be submitted and include all information required for a regular permit plus individual identification for each animal in the shipment, exposure history, which of the animals has been vaccinated, and the vaccine type, brand, and the date of vaccination.~~

~~(c) Swine for Immediate Slaughter. Swine imported for immediate slaughter, but imported with swine not destined for immediate slaughter, must comply with the most stringent requirements applicable to any other swine in the shipment/load. Swine imported into California for slaughter at an establishment under State or Federal inspection within fourteen days after entry are exempt from the requirements of this section provided that swine destined for other than immediate slaughter are not imported/shipped with them and all swine are unloaded at their final destination within twenty four hours after entry into California. Any movement of swine from a State or Federal inspected slaughter establishment that received imported swine during the last twelve months is prohibited unless the specific movement is authorized by the Director after his receipt of a request for such movement. A State or Federal inspected slaughter establishment is defined as a property where swine are slaughtered and: inspected by authorized State or Federal officials and; includes all properties contiguous to the property containing the slaughter establishment if the contiguous properties are owned or controlled by the operator or those conducting business with the operator that involves live swine or products from swine. Specifically included in this definition are all facilities on such properties where swine are present at any time.~~

~~After receipt of requests, the Director may grant exemptions to the fourteen-day limit which qualifies swine as being for immediate slaughter. Requests for exemption must~~

~~include information regarding the health history of the swine, the facilities at which they will be maintained, and the special economic hardship, if any, related to permitting the swine to qualify as having been imported for immediate slaughter.~~

~~(d) All Other Swine. All other swine imported into California:~~

~~(1) shall bear individual identification in accordance with section 71.19, Title 9, Code of Federal Regulations (CFR) and; will be accompanied by a properly completed certificate (as defined in section 85.1, Title 9, CFR) issued by an accredited, State, or Federal veterinarian certifying origin from a herd not known to be infected with pseudorabies and containing an accurate record of identification for each animal. Persons receiving such swine must have readily available documentation issued by the accredited, State, or Federal veterinarian which shows that each animal in the shipment was tested and found to be negative by an official pseudorabies test (as defined in section 85.1, Title 9, CFR) conducted within 30 days prior to entry.~~

~~(2) Upon arrival in California, all swine in the shipment shall be transported without delay to the destination stated and isolated at that destination (as defined in section 85.1, Title 9, CFR) from other swine and retested with an official pseudorabies test at the owner's expense, not less than 30 days, nor more than 60 days following the negative test cited at origin for entry. No swine shall be released from isolation until all animals in the shipment are classified as negative by an official pseudorabies test complying with the retest requirements, or are slaughtered at a State or Federally inspected slaughter establishment prior to the required retest deadline, or specific permission to release from isolation is received from the Director. Such permission may be granted when it is determined that economic hardship conditions exist and permitted actions will cause no significant threat to other livestock. Further testing of any positive or suspect animal and possibly exposed animals in or separate from the shipment may be required.~~

~~(3) Swine shown to be not exposed to swine from a state classified below Stage IV, and which are native to, and shipped directly from states classified as Stage IV or V by Veterinary Services, United States Department of Agriculture are exempt from the test requirements in subsection (d)(1), and the testing and isolation requirements in subsection (d)(2). This will be shown on the Department's permit record.~~

~~(4) The retest requirement upon arrival in California is waived for swine transported directly to a designated swine feedyard and subsequently shipped without diversion to a slaughter establishment under State or Federal inspection.~~

~~(5) The testing requirements in subsections (d)(1) and (d)(2) do not apply to swine transported to a designated swine feedyard directly from: a Qualified Pseudorabies Negative Herd, or a Pseudorabies Monitored Feeder Pig Herd (as defined in U.S.D.A. Pseudorabies Eradication State-Federal Industry Program Standards, April, 1989), or a herd which is not known to be infected with or exposed to pseudorabies in a state which is classified as Stage IV or V by Veterinary Services, United States Department of Agriculture.~~

~~(e) Designated Swine Feedyard. A designated swine feedyard is one that has been approved by the Director and meets the following requirements:~~

~~maintains accurate written records of all swine coming onto or going off of the premises. These records shall be retained for the time period specified in Title 9, Code of Federal Regulations, section 71.19(e)(2), Revised as of January 1, 1990 and shall be maintained in a manner which will clearly enable the determination of the origin and destination of individual animals and lots. Records will include bills of sale, certificates, shipping documents, test records, and a log of shipments onto and off of the premises. For each shipment off of the premises: individual identification for each animal; number of head; date of shipment; and name, address, and telephone number of the purchaser. For shipments onto the premises, the log shall include: individual identification for each animal; number of head; date of shipment; and name, address, and telephone number of seller; certificate number and state issuing the pertinent certificates; and import permit number issued by the Department. All records shall be made readily available for review upon request by State or Federal officials. The entryway and all buildings housing swine on designated swine feedyards shall have a sign in a prominent place stating the following: "DESIGNATED SWINE FEEDYARD - NO SALES EXCEPT FOR IMMEDIATE SLAUGHTER AT STATE OR FEDERAL APPROVED PLANTS." The sign shall be clearly readable at a distance of ten feet.~~

~~No live swine shall leave a designated swine feedyard except: designated swine feedyard except: (1) those shipped directly and without addition or deletion from the shipment, and without entering any other premises containing swine, to a State or~~

~~Federally inspected slaughter establishment, or (2) those shipped after 100 percent of the swine on the premises, except those shipped for slaughter pursuant to subsection ((1) immediately above, have been tested within 30 days prior to swine leaving the premises by an officially approved method as stated in subsection (d)(1) above, and are found to be negative (tests completed prior to arrival at the designated feedyard will not fulfill this requirement); (3) those receiving permission from the Director pursuant to a request showing special circumstances protecting against transmission of pseudorabies.~~

~~(f) The Director may suspend or revoke the designated feedyard status of a premises for failure to comply with the provisions of this section or any Federal or State law or regulation related to the importation of swine into California, or movement or control of the swine thereafter.~~

~~(g) Requirements of this section are in addition to all other Federal or State requirements relating to interstate movement of swine and swine disease control. All Federal regulations and related Federal standards applicable to this section are available from Veterinary Services, United States Department of Agriculture, Sacramento, California.~~

~~NOTE: Authority cited: Sections 407, 9164, 9570, and 10781, Food and Agricultural Code. Reference: Sections 9165, 9166, 10721-10726, 10781, and 10782, Food and Agricultural Code.~~

3) Adopt Article 8.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Article 8.5 Interstate and Intrastate Movement of Swine

4) Adopt sections 796 through 796.9 under new Article 8.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 796. Definitions

(a) "Animal" means any swine in captivity.

(b) "Herd" means any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated, but which have an interchange or movement of animals. Swine used for 4-H, Future Farmers of America, or school projects kept isolated from the parent herd shall be considered a separate herd.

(c) "Isolated" means separation of swine by a physical barrier in such a manner that other swine do not have access to the isolated swine's body, excrement, or discharges; not allowing the isolated swine to share a building with a common ventilation system with other swine; and not allowing the isolated swine to be within 10 feet of other swine if not sharing a building with a common ventilation system.

(d) "Official brucellosis test" means any test for the diagnosis of brucellosis as defined by 9 CFR Part 78.1 (1/1/02 Edition).

(e) "Official individual identification" means any method approved by the Department and USDA for the identification of swine in interstate commerce as defined by 9 CFR Part 71.19 (1/1/02 Edition).

(f) "Official pseudorabies test" means any test for the diagnosis of pseudorabies as defined by 9 CFR Part 85.1 (1/1/02 Edition).

(g) "Premises" means the farm of origin where swine were born and raised or where they have resided for a minimum of 90 continuous days immediately preceding shipment.

(h) "State or federal inspected slaughter facility" means a property where swine are slaughtered and inspected by authorized state or federal officials including all properties contiguous to the property containing the slaughter establishment if the contiguous properties are owned or controlled by the operator or those conducting business with the operator that involves live swine or products from swine.

(i) "Swine for immediate slaughter" means swine imported into California for slaughter at an establishment under state or federal inspection within 14 days after entry.

(j) "USDA" means United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

Section 796.1. General Requirements.

(a) The State Veterinarian may impose a quarantine pursuant to Food and Agricultural Code section 9562 if the requirements as specified in this article have not been met, or to amend the requirements for entry into California in response to a change in disease status in any location, state, territory or country as determined by the State Veterinarian.

(b) The provisions of this article are in addition to other provisions that may be required for moving animals into and within California as specified in statute or regulation.

(c) Any person transporting animals into or within California shall produce official documents, including but not limited to, a Certificate of Veterinary Inspection with the Interstate Livestock Entry Permit number as required, with attachments, for each load or part of a shipment upon request by the Department or other official to prove that each animal transported meets the requirements of this article. Animals in any load or part of a shipment may be inspected en route or after arrival.

NOTE: Authority cited: Section 407 and 9562, Food and Agricultural Code. Reference: Sections 9561, 9570, and 9574, 10724, Food and Agricultural Code.

Section 796.2. Certificate of Veterinary Inspection.

(a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form of the state of origin and by an accredited veterinarian from the state of origin.

(b) A Certificate of Veterinary Inspection shall include all of the following:

(1) Date of inspection;

(2) Number of animals in the consignment;

(3) Description of the animals including the species, breed, age, weight, color, markings, and sex, and the official individual identification number(s) or registration tattoos;

(4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;

(5) Interstate livestock entry permit number, when required;

(6) Statement of the purpose for which the animals are being moved;

(7) Statement by the owner or the accredited veterinarian at the point of origin as required by the Department or USDA for the interstate or intrastate movement of animals.

(8) Signed by the accredited veterinarian who examined the animals in the shipment.

(c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A-107, Sacramento, California 95814.

(d) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.

(e) As an alternative to official individual identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and USDA.

(f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.

(g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.

(h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

Section 796.3. Interstate Livestock Entry Permits.

(a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.

(b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.

(c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.

(d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.

(e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.

(f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:

- (1) Name, address, and telephone number of the shipper or importer;
- (2) Origin of the shipment;
- (3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used.

(4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;

(5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;

(6) Certificate of Veterinary Inspection number, if available;

(7) Name of the herd veterinarian, if available; and

(8) Must meet the entry requirements for the type of animals entering California.

(g) An Interstate Livestock Entry Permit is required for the entire shipment of animals, which may consist of one or more loads.

(h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.

(i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.

(j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

Section 796.4. Pseudorabies - Movement of Swine into California for Purposes Other Than Slaughter

(a) Swine imported from any state must comply with the most stringent interstate movement requirements applicable to any other swine in the shipment.

(b) Swine imported into California for any purpose, except slaughter, shall have:

(1) a Certificate of Veterinary Inspection; and

(2) official individual identification; and

(3) an Interstate Livestock Entry Permit; and

(A) A regular import permit will not be granted for swine vaccinated for pseudorabies. However, the State Veterinarian may grant a special import permit with specific limitations necessary to prevent the spread of pseudorabies from such swine. A special permit application must be submitted and include all information required for a regular permit plus individual identification for each animal in the shipment, exposure history, which of the animals have been vaccinated, and the vaccine type, brand, and date of vaccination.

(4) a negative test result to an official pseudorabies test within 30 days prior to entry. Persons receiving swine must have documentation issued by the accredited veterinarian at the point of origin, showing each animal was negative to the official pseudorabies test within 30 days prior to entry.

(c) Swine shall be quarantined and isolated pursuant to Food and Agricultural Code section 9562 at destination pending the results of an official pseudorabies retest conducted 30 to 60 days after entering California.

(1) Swine may be released from quarantine if negative to the official pseudorabies retest or when slaughtered in a state or federally inspected slaughter establishment.

(d) Swine may be exempt from the test, quarantine and isolation, and retest requirements when:

(1) Native to and shipped directly from a state classified as Stage IV or V by the USDA and not exposed to swine from a state classified below Stage IV by the USDA.

(e) Additional testing may be required for any pseudorabies positive, suspect or exposed animals in or separate from the shipment.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

Section 796.5. Swine Brucellosis - Movement of Swine into California for Purposes Other Than Slaughter.

(a) Swine imported from any state must comply with the most stringent interstate movement requirements applicable to any other swine in the shipment.

(b) Swine imported into California for any purpose, except slaughter, shall have:

(1) a Certificate of Veterinary Inspection; and

(2) an Interstate Livestock Entry Permit; and

(3) official individual identification; and

(4) for sexually intact swine over four months of age, a negative test result to an official brucellosis test within 30 days prior to entry. Persons receiving swine must have documentation issued by the accredited veterinarian at the point of origin, showing each animal was negative to the official brucellosis test within 30 days prior to entry.

(c) Swine shall be quarantined and isolated pursuant to Food and Agricultural Code section 9562 at destination pending the results of an official brucellosis retest conducted 30 to 60 days after entering California.

(1) Swine may be released from quarantine if negative to the official brucellosis retest or when slaughtered in a state or federally inspected slaughter establishment.

(d) Swine may be exempt from the test, quarantine and isolation, and retest requirements when:

(1) Native to and shipped directly from a validated brucellosis-free herd or validated brucellosis-free state or region classified by the USDA, and not exposed to or commingled with swine from a state that is not classified as free from swine brucellosis by the USDA. Verification that the animals originated from a validated brucellosis-free herd or validated brucellosis-free state or region shall be stated on the Certificate of Veterinary Inspection.

(e) Additional testing may be required for any brucellosis positive, suspect or exposed animals in or separate from the shipment.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

Section 796.6. Movement of Swine into California for Immediate Slaughter.

(a) Swine imported from any state not destined for immediate slaughter that are imported with swine from any state for immediate slaughter, must be slaughtered at a state or federally inspected slaughter facility within 14 days of importation into California.

(b) Swine imported for immediate slaughter at a state or federally inspected slaughter plant must:

(1) Have an Interstate Livestock Entry Permit;

(2) Official individual identification;

(A) Swine kept as a group are not required to have official individual identification when:

(i) They were born on the same premises;

(ii) They were raised on the same premises where they were born;

(iii) They are moved in a group directly to a slaughter plant from the place they were raised;

(iv) They are not mixed with swine from any other premises, between the time they are born and the time they arrive at the slaughter plant; and

(v) They are slaughtered one after another, as a group, and not mixed with other swine at slaughter; or other approved identification is applied to the swine after entry into the slaughter plant.

(3) Be unloaded at the slaughter facility within 24 hours after entering California without diversion; and

(4) Be slaughtered within 14 days of importation. Upon request, the State Veterinarian may grant exemptions to the 14-day limit.

(c) Movement of live swine from the slaughter facility is prohibited unless the State Veterinarian authorizes the specific movement after the receipt of a written request for such movement. Written requests for exemption must include all of the following:

(1) Information regarding the health history of the swine;

(2) Name and address of the person removing the animal;

(3) Location or address of the facility at which the swine will be maintained; and

(4) Special economic hardship, if any, related to permitting the swine to be removed from the facility.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

Section 796.7. Annual Import Permit for Slaughter Plants.

(a) An annual import permit is an Interstate Livestock Entry Permit that may be issued to the owner or manager of slaughter plants for the importation of swine for immediate slaughter in California.

(b) The owner or manager of slaughter plants may request an annual import permit by contacting the Animal Health Branch in Sacramento at least 15 days before the first expected entry, or expiration of a prior annual entry permit.

(c) Approval for the annual import permit may be granted when the owner or manager of the slaughter plant completes and submits to the Department an application for the annual import permit. The application for the annual entry permit will include the following:

(1) Date of the application; and
(2) Name, address, and telephone number of the applicant, and the name and telephone number of the contact person such as manager or foreman; and

(3) The establishment's name and complete address (mailing and physical location) with telephone and facsimile numbers; and

(4) Signature of the applicant certifying compliance with the following requirements:
(A) Provide the annual entry permit number to the shipper of each load of swine in the shipment prior to shipment;

(B) All swine in each load of the shipment shall have official individual identification.
(i) Swine kept as a group are not required to have official individual identification when:

1. They were born on the same premises;
2. They were raised on the same premises where they were born;
3. They are moved in a group directly to a slaughter plant from the place they were raised;

4. They are not mixed with swine from any other premises, between the time they are born and the time they arrive at the slaughter plant; and

5. They are slaughtered one after another, as a group, and not mixed with other swine at slaughter; or other approved identification is applied to the swine after entry into the slaughter plant.

(C) Unload all swine at the slaughter facility within 24 hours after entering California without diversion;

(D) Slaughter all swine within 14 days of importation. Upon request, the State Veterinarian may grant exemptions to the 14-day limit;

(E) Prohibit the movement of any live swine off the premises of the slaughter facility unless the State Veterinarian authorizes the specific movement after the receipt of a written request for such movement as specified in section 796.6(c); and

(F) Maintain accurate written records of any carcass thereof, or any live swine if authorized by the State Veterinarian in accordance with section 796.6(c) coming onto and going off the property of the slaughter facility. These records shall be retained for a period of 2 years and be made readily available for review upon request of state or federal officials. Records shall include, but not be limited to: bills of sale, certificates, shipping documents, and a log of shipments onto and off the premises.

(i) For shipments onto the premises, the log shall include, but not be limited to: official individual identification for each animal; number of swine; date of shipment; and name, address, and telephone number of seller.

(ii) For shipments off of the premises, the log shall include, but not be limited to: number of carcasses leaving the premise; number of rendered animals; and number and identification of any live animals leaving the premises in accordance with section 796.6(c).

(d) Approval of the annual import permit may be renewed every 12 months when the Department determines that the conditions of the agreement continue to be met by the slaughter plant, or until:

(1) The slaughter plant requests deactivation, or

(2) The Department or USDA determines the annual permit should be voided because of the slaughter plant's failure to comply with the agreement or these regulations,
or

(3) Changes in federal or state law or regulations require elimination of or change in the status.

(e) Swine imported on an annual import permit may be inspected by the Department or USDA.

(f) The Department may amend the requirements for the annual import permit issued to slaughter plants in response to a change in disease status as determined by the State Veterinarian.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

Section 796.8. Designated Swine Feedyard.

(a) A designated swine feedyard is one that has been approved by the State Veterinarian and meets the following requirements:

(1) Maintains accurate written records of all swine coming onto or going off of the premises. These records shall be retained for the time period specified in 9 CFR 71.19(e)(2), (1/1/02 Edition), and shall be maintained in a manner which will clearly enable the determination of the origin and destination of individual animals and lots. Records shall include but not be limited to bills of sale, certificates, shipping documents, test records, and a log of shipments onto and off of the premises.

(A) For each shipment onto the premises, the log shall include: individual identification for each animal; number of animals; date of shipment; and name, address, and telephone number of seller; certificate number and state issuing the pertinent certificates; and Interstate Livestock Entry Permit number issued by the Department.

(B) For each shipment off of the premises: the log shall include individual identification for each animal; number of head; date of shipment; and name, address, and telephone number of the purchaser.

(2) Makes all records readily available for review upon request by state or federal officials.

(3) Post a sign in a prominent place stating the following: "DESIGNATED SWINE FEEDYARD - NO SALES EXCEPT FOR IMMEDIATE SLAUGHTER AT STATE OR FEDERAL APPROVED PLANTS." The sign shall be clearly readable at a distance of ten feet.

(4) Prohibit the movement of any live swine off of the premises of the designated swine feedyard except:

(A) Swine shipped directly and without addition or deletion from the shipment, and without entering any other premises containing swine, to a state or federally inspected slaughter establishment, or

(B) Swine shipped after 100 percent of the swine on the premises have been tested negative to an official pseudorabies and an official brucellosis test at least 30 days after the addition of any new swine (tests completed prior to arrival at the designated feedyard will not fulfill this requirement); or

(C) Persons receiving permission from the State Veterinarian pursuant to a request showing special circumstances protecting against transmission of disease.

(b) The State Veterinarian may suspend or revoke the designated feedyard status of a premises for failure to comply with the provisions of this section or any federal or state law or regulation related to the importation of swine into California, or movement or control of the swine.

(c) Requirements of this section are in addition to all other state or federal requirements relating to interstate movement of swine and swine disease control.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

Section 796.9. Violations

(a) Failure to comply with any part of Article 8 of Chapter 2, Division 2 of Title 3 of the California Code of Regulations, Food and Agricultural Code sections 10721 through 10726 or 10781 through 10786, constitutes a violation punishable by a fine up to one hundred dollars (\$100) per individual animal for each violation.

(b) The Department may pursue existing remedies. Pursuing any one remedy does not preclude the Department from pursuing any of the remaining remedies concurrently or at a later date unless otherwise prohibited by law. Existing remedies include but are not limited to:

(1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;

(2) Civil or administrative penalties;

(3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and

(4) Reimbursement of the Department for any cost incurred due to any violation of this article.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721-10726, 10751-10753, and 10781-10786, Food and Agricultural Code.

(End-August 10, 2004)